

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

YVONNE ARLEASE FOSTER, et al.,

Plaintiff,

Case No. 18-cv-11290

vs.

HON. MARK A. GOLDSMITH

PEOPLE OF THE STATE OF
MICHIGAN, et al,

Defendants.

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OPINION & ORDER

(1) ACCEPTING THE RECOMMENDATION CONTAINED IN THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION DATED MARCH 23, 2020 (Dkt. 85); (2) GRANTING THE MOTION TO DISMISS BY THE CITY OF DETROIT (Dkt. 44); (3) GRANTING THE MOTION FOR SUMMARY JUDGMENT BY DAVID COX (Dkt. 31); (4) GRANTING THE MOTION TO DISMISS BY THE 20TH DISTRICT COURT, GENE DERWICK, DEARBORN HEIGHTS POLICE DEPARTMENT, A. MAZLOUM, DAVID TURFE, CITY OF DEARBORN HEIGHTS, CHRISTIAN HOLDER, MARK PLawecki, JOHN KELLER, AND CHRIS PARALEXIS (Dkt. 71); (5) GRANTING THE MOTION TO DISMISS FILED BY CITY OF WESTLAND AND D. TROSPER (Dkt. 50); (6) GRANTING THE MOTION FOR SUMMARY JUDGMENT BY DAVID COX (Dkt. 49); (7) GRANTING THE MOTION TO DISMISS BY CITY OF HAMTRAMCK (Dkt. 53); AND (8) GRANTING THE MOTION TO DISMISS BY NADINE HAMOUD (Dkt. 69)

This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge David Grand, issued on March 23, 2020 (Dkt. 85). In the R&R, the Magistrate Judge recommends granting the “slew of dispositive motions” filed by Defendants and dismissing the case. R&R at 1-2.

The parties have not filed objections to the R&R, and the time to do so has expired. See Fed. R. Civ. P. 72(b)(2). The failure to file a timely objection to an R&R constitutes a waiver of the right to further judicial review. See Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not

appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."); Smith v. Detroit Fed'n of Teachers, 829 F.2d 1370, 1373-1374 (6th Cir. 1987) (failure to file objection to R&R "waived subsequent review of the matter"); Cephas v. Nash, 328 F.3d 98, 108 (2d Cir. 2003) ("As a rule, a party's failure to object to any purported error or omission in a magistrate judge's report waives further judicial review of the point."); Lardie v. Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) ("As to the parts of the report and recommendation to which no party has objected, the Court need not conduct a review by any standard."). However, there is some authority that a district court is required to review the R&R for clear error. See Fed. R. Civ. P. 72 Advisory Committee Note Subdivision (b) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). Therefore, the Court has reviewed the R&R for clear error. On the face of the record, the Court finds no clear error and accepts the recommendation.

Accordingly, Defendants' motions (Dkts. 31, 44, 49, 50, 53, 69, 71) are granted, and the case is dismissed.

SO ORDERED

Dated: August 13, 2020
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 13, 2020.

s/Karri Sandusky
Case Manager